

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 1:12-CR-194

v.

HON. ROBERT HOLMES BELL

JERRY DALE BOSS,

Defendant.

MEMORANDUM OPINION AND ORDER

Defendant Jerry Dale Boss has filed a motion for modification or reduction of sentence (ECF No. 74) pursuant to 18 U.S.C. §3582(c)(2) on the basis of Amendment 782 of the United States Sentencing Guidelines, made retroactive by the Sentencing Commission.

Section 3582(c)(2) permits a court to reduce the term of imprisonment of a defendant who has been sentenced based on a sentencing range that has subsequently been lowered by the Sentencing Commission. 18 U.S.C. § 3582(c)(2). Amendment 782 of the United States Sentencing Guidelines reduced by two levels the offense levels assigned to the quantities that trigger the statutory mandatory minimum penalties in U.S.S.G. §§ 2D1.1 and 2D1.11. These modifications were made retroactive effective November 1, 2014. U.S.S.G. § 1B1.10.

The Probation Department filed a sentence modification report on November 9, 2015 (ECF No. 79). In its report, the probation department does not recommend a reduction in sentence, indicating the mandatory minimum applies.

The parties filed a stipulation (ECF No. 83) agreeing that the government authorized release of the statutory mandatory minimum sentence at the time of the original sentencing in the government's motion for downward departure. The parties stipulate that the Defendant is eligible for a sentence reduction.

NOW THEREFORE, this Court finds the government authorized release of the statutory mandatory minimum sentence in its Motion for Downward Departure dated February 20, 2013 (ECF No. 47).

IT IS HEREBY ORDERED that Defendant's motion for modification of sentence (ECF No. 74) pursuant to 18 U.S.C. § 3582(c)(2) is **GRANTED**. Defendant Jerry Dale Boss's sentence shall be reduced to **110 months**. An order effectuating the sentence reduction shall issue forthwith.

Dated: December 15, 2015

/s/ Robert Holmes Bell
ROBERT HOLMES BELL
UNITED STATES DISTRICT JUDGE